

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Stafon Edward Thompson,

Case No. 13-cv-1524 (PJS/HB)

Petitioner,

v.

ORDER

Tom Roy, Minnesota Commissioner of
Corrections,

Respondent.

Benjamin J. Butler, Office of the Minnesota Appellate Public Defender, 540 Fairview
Avenue North, Suite 300, St. Paul, MN 55104, for Petitioner

J. Michael Richardson and Jean E. Burdorf, Hennepin County Attorney's Office, 300
South 6th Street, Suite C-2000, Minneapolis, MN, for Respondent

PATRICK J. SCHILTZ, United States District Judge

This matter comes before the Court on the Report and Recommendation ("R&R")
dated November 23, 2016, of United States Magistrate Judge Hildy Bowbeer. Pursuant
to 28 U.S.C. § 636(b)(1), the Court has conducted a *de novo* review of the record and will
adopt the R&R in its entirety. Accordingly, Stafon Edward Thompson's Petition Under
28 U.S.C. § 2254 for a Writ of Habeas Corpus [Doc. No. 1] is **GRANTED IN PART**
and **DENIED IN PART** as follows:

1. The "without possibility of release" provision of Petitioner's life sentences are
VACATED in accordance with *Miller v. Alabama*, 132 S. Ct. 2455, 2460 (2012),
and *Montgomery v. Louisiana*, 136 S. Ct. 718, 725 (2016);

2. Petitioner's case is **REMANDED** to the Hennepin County District Court for resentencing; and
3. The petition is denied in all other respects.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: 12/14/16

s/Patrick J. Schiltz
PATRICK J. SCHILTZ
United States District Judge